

REMARKS

Initially, Applicant would like to thank the Examiner for the telephone interview with his counsel on April 2, 2004. The interview was conducted to discuss the advisory action dated February 25, 2004 and earlier correspondence. Prior to the interview, Applicant sent to the Examiner a letter outlining his arguments to be presented during the interview. A copy of this letter is attached hereto as "Exhibit A" to serve as a partial interview summary. Specifically, Applicant presented again in this letter unexpected results already shown in a previously submitted declaration.

In the advisory action, the Examiner points out that the composite oxide recited in claim 1 optionally contains manganese and therefore has already been disclosed in Kato. The Examiner then rejects all of the pending claims as being obvious over Kato in view of three other prior art reference. During the interview, the Examiner agreed that the obviousness rejection can be successfully rebutted by the unexpected results and graciously granted allowance of all of the pending claims. To more prominently distinguish the claimed subject matter from Kato, the Examiner requested that Applicant include the word "catalytic" before the word "component," both occurrences at lines 2 and 3 in claim 1, as well as in claim 16. Applicant has amended claims 1 and 16 accordingly. Support for this amendment can be found in the preamble of claim 1.

Applicant has also added new claims 19 and 20. Support for the new claims can be found in original claim 1. Since claims 19 and 20 depend from allowed claim 1, Applicant requests that they also be allowed.

Applicant asks that all claims be promptly examined in view of the above amendments and remarks.

Applicant : Tatsuya Yoshikawa
Serial No. : 09/888,009
Filed : June 22, 2001
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Attorney's Docket No.: 13298-004001 / F 2001-43-US

This response is being filed concurrently with a Request for Continued Examination with the required \$770.00 fee. Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No.: 13298-004001.

Respectfully submitted,

Date: 4-9-04

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April 1, 2004

VIA FACSIMILE

Examiner Jonas N. Strickland
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Catalyst for Purifying Exhaust Gas
Applicant: Tatsuya Yoshikawa
U.S. Application No.: 09/888,009
Our Ref.: 13298-004001



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Dear Examiner Strickland:

Thank you for granting a telephone interview, scheduled for April 2, 2004 at 1:30 PM, to discuss issues raised in the advisory action and earlier correspondence. This letter outlines what we would like to discuss with you during the telephone interview.

We plan to only discuss independent claim 1. Claim 1 covers an exhaust gas purifying catalyst, which includes (1) a composite oxide, and (2) a zeolite. The composite oxide contains zirconium (Zr), manganese (Mn), and/or cobalt (Co). The zeolite is a proton zeolite, or a zeolite modified with cerium, lanthanum, phosphorus, boron, gallium, magnesium, or a mixture of these elements.

In the final office action, you reject claim 1 as being obvious over Kato in view of Tamura and Hayasaka. To further support your rejection, you correctly state in the advisory action that the phrase "composite oxide containing zirconium and manganese and/or cobalt" recited in claim 1 should be interpreted to mean a composite oxide containing (1) Zr+Mn, (2) Zr+Co, or (3) Zr+Mn+Co. In other words, Mn is an optional component.

This obviousness rejection against claim 1 can still be successfully rebutted by a showing of an unexpected advantage of the exhaust gas purifying catalyst covered by claim 1. Referring to Mr. Tatsuya Yoshikawa's Declaration (submitted with our response to the final office action), a catalyst covered by claim 1 shows a much higher NOx conversion rate than those described in Kato, Tamura, and Hayasaka. Specifically, Experiment 1 describes a catalyst covered by claim 1, which contains oxides of manganese and zirconium, and H-ZSM5 (a proton zeolite). Comparative Experiment 2 describes a catalyst disclosed in Kato, i.e., a catalyst containing oxides of copper and zirconium, and Cu-ZSM5 (a zeolite modified with copper).

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Examiner Jonas N. Strickland

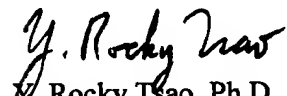
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Comparative Experiment 4 describes a catalyst disclosed in Hayasaka, i.e., a catalyst containing gallium and ZSM5. Comparative Experiment 5 describes a catalyst disclosed in Tamura, i.e., a catalyst containing H-ZSM5. The catalyst described in Experiment 1 shows a much higher NOx conversion rate (55%) than those of the catalysts described in Comparative Experiment 2 (36%), Comparative Experiment 4 (12%), and Comparative Experiment 5 (11%). Given this unexpected advantage, claim 1 is clearly not rendered obvious by Kato in view of Tamura and Hayasaka.

As the statutory deadline falls on April 10, 2004, we would like to expedite the prosecution by inviting your supervisor to this interview. If you agree, please provide a copy of this letter to your supervisor before the interview.

Very truly yours,



Y. Rocky Tsao, Ph.D., J.D.

Reg. No. 34,053

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